IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA Columbia Division

Matthew Alexander Nielson; J.Z., a Minor Under age 18 by his Parent & Guardian Michelle Stephens; D.M., a Minor Under age 18 by her Parent & Guardian Victoria Reed; the Freedom From Religion Foundation, Inc.,)
Plaintiffs,	,)
v.	 AMICUS MEMORANDUM IN SUPPORT OF CONSTITUTIONALITY OF §6-1-160
School District Five of Lexington & Richland	,
Counties; Board of Trustees of School)
District Five of Lexington and Richland)
Counties; Dr. Stephen W. Hefner, in his)
official capacity as School District Five)
Superintendent; and Mr. Robert Gantt in his)
official capacity as School District Five)
Board Chairperson,)
Defendants,	
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South Carolina Attorney General Alan Wilson submits this memorandum in support of the constitutionality of S.C. Code Ann. §6-1-160, the statute upon which the Board of Trustees of School District Five has based its invocation policy, as set forth in Policy BE, School Board Meetings, issued August 2013. Although Plaintiffs do not directly challenge the constitutionality of this statute (see note 4, pp. 9 & 10, Plaintiffs' Memorandum), they do challenge the related policy. Therefore, to the extent that the constitutionality of the statute is challenged or implicated by Plaintiffs' arguments, the Attorney General offers the attached authority in support of that provision.

The Attorney General respectfully asks that this Court consider the attached Opinion of this Office concluding that §6-1-160 is facially constitutional. *Ops. Atty. Gen.* January, 28, 2013, 2013 WL 482679. Also attached and incorporated by reference is the brief of the State filed in *Town of Greece .v Galloway*, No. 12-696, United States Supreme Court, in which oral argument was held earlier this month. That brief demonstrates that the First Amendment does not forbid prayers by and for deliberative bodies such as the District Five Board.

The Attorney General respectfully requests that the Court consider this authority and uphold the Constitutionality of §6-1-160 to the extent that its constitutionality is challenged or implicated in this case.

Respectfully submitted,

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